

BOARD OF VETERINARY MEDICAL EXAMINERS

Minutes

Date: December 9, 2004

Time: 9:00 a.m., C.S.T.

Location: Big Tennessee Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

Members Present: Leland Davis, D.V.M, President
Jerry Wilhite, D.V.M.
C. Maben Thompson, D.V.M.
Maryann Grell, L.V.M.T., Secretary
Thomas Edmonds, D.V.M.
Mary Welch, D.V.M., Vice-President
Ron Wilson, D.V.M., Ex-officio Member

Staff Present: Lisa Lampley, Board Director
Rita Buckner-Shelton, Board Administrator
Nicole Armstrong, Advisory Attorney
Robert Taylor, D.V.M., Board Consultant/Inspector

A roll call vote was taken and upon determination of a quorum being present, the Board meeting was called to order by Dr. Davis at 9:11 a.m.

Welcome to New Board Member

Dr. Davis welcomed Dr. Maben Thompson, DVM, to the board. Dr. Thompson's term expires on 07-31-09.

Approval of Minutes

After reviewing the minutes from the August 26, 2004 meeting, Dr. Wilhite motioned to approve the minutes as presented. Ms. Grell seconded the motion. The motion carried.

Conflict of Interest Policy

Ms. Nicole Armstrong, Advisory Attorney, reviewed the conflict of interest policy with the Board members.

Petition for Declaratory Order

Ms. Nicole Armstrong, Advisory Attorney, presented a request from Bonnie Cady to grant a hearing for the consideration of a petition for a Declaratory Order regarding the validity of Tenn. Comp. R. & Regs 1730-1-.02, which defines the scope of practice of veterinary medicine. Dr. Welch made a motion, seconded by Dr. Edmonds, to grant a hearing for the petition. The motion carried. The hearing will take place at the April 20-21, 2005 meeting.

Contested Case – Bonnie Cady, Unlicensed

Ms. Bonnie Cady, Unlicensed, was present and represented by Mr. Frank J. Scanlon. Ms. Brandi Bozarth, Assistant General Counsel, represented the State. The proceedings were presided over by Administrative Law Judge Bettye Springfield. Ms. Cady was charged with the unlicensed practice of veterinary medicine. Ms. Mary Jo Harlan, Investigator for Health Related Boards, presented testimony of her investigation and interview of Ms. Cady. Ms. Cady testified on her own behalf and stated that she had provided the following services to customers: artificially inseminated mares, flushed mares, performed ultrasound examinations on mares to check for pregnancy, infused horses with antibiotics, injected Prostin, HCG, and other drugs.

Upon deliberation, the Board found the Respondent guilty of unlicensed practice. Dr. Welch made a motion, seconded by Dr. Thompson, to assess total civil penalties in the amount of \$17,000.00. The motion carried with Dr. Wilhite opposed. Dr. Welch made a motion, seconded by Dr. Wilhite, to assess costs of the proceedings. The motion carried.

Agreed Order – Kristy D. Templin, LVMT

Ms. Kristy Templin, LMVT, did not appear before the Board and was not represented by counsel. Ms. Brandi Bozarth, Assistant General Counsel, represented the State. Ms. Bozarth presented an Agreed Order to the Board for ratification. Ms. Templin provided the following services without the supervision of a licensed veterinarian: diagnosed and treated animals, performed surgical procedures, and euthanized animals inappropriately. Ms. Templin's license was placed on probation for two years; she is required to submit quarterly reports from her employer specifying that she is working under the supervision of a licensed veterinarian and that she has not performed any veterinary function without that supervision; must obtain additional ten hours of continuing education dealing with the issues of ethics; assessed civil penalties in the amount of \$750.00. Dr. Welch made a motion, seconded by Dr. Wilhite, to accept the Agreed Order. The motion carried.

Agreed Order – William Sanders, D.V.M.

Dr. William Sanders, DVM, did not appear before the Board and was not represented by counsel. Ms. Brandi Bozarth, Assistant General Counsel, represented the State. Ms. Bozarth presented an Agreed Order to the Board for ratification. Dr. Sanders failed to adequately supervise a Licensed Veterinary Medical Technician in his employ. Dr. Sanders was issued a Letter of Reprimand and assessed civil penalties in the total amount of \$2,000.00. Dr. Wilhite made a motion, seconded by Dr. Edmonds, to accept the Agreed Order. The motion carried.

Agreed Order – William E. Baber, D.V.M.

Dr. William Baber, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Baber operated South Water Animal Hospital without a premise permit from July 2000 to October 2004. Dr. Baber was issued a Letter of Reprimand and assessed total civil penalties in the amount of \$2,550.00. Dr. Wilhite made a motion, seconded by Dr. Edmonds, to accept the Agreed Order. The motion carried.

Agreed Order – Gerald D. Blackburn, D.V.M.

Dr. Gerald Blackburn, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Blackburn operated Gentle Care Animal Hospital without a premise permit from July 2000 to July 2004. Dr. Blackburn was issued an Advisory Censure and assessed total civil penalties in the amount of \$2,400.00. Dr. Wilhite made a motion, seconded by Dr. Edmonds, to accept the Agreed Order. The motion carried.

Agreed Order – David D. Clariday, D.V.M.

Dr. David Clariday, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Clariday operated Mt. Juliet Animal Clinic without a premise permit from June 2000 to July 2004. Dr. Clariday was issued an Advisory Censure and assessed total civil penalties in the amount of \$2,400.00. Dr. Wilhite made a motion, seconded by Dr. Thompson, to accept the Agreed Order. The motion carried.

Agreed Order – Guy R. Dyer, D.V.M.

Dr. Guy Dyer, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Dyer operated Pet Care without a premise permit from January 2004 to July 2004. Dr. Dyer was issued an Advisory Censure and assessed total civil penalties in the amount of \$300.00. Dr. Wilhite made a motion, seconded by Dr. Thompson, to accept the Agreed Order. The motion carried.

Agreed Order – Charles R. Halford, D.V.M.

Dr. Charles Halford, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a

settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Halford operated North Memphis Pet Clinic without a premise permit from October 2002 to June 2004. Dr. Halford was issued an Advisory Censure and assessed total civil penalties in the amount of \$1,000.00. Dr. Wilhite made a motion, seconded by Ms. Grell, to accept the Agreed Order. The motion carried.

Agreed Order – Charles W. Hatcher, D.V.M.

Dr. Charles Hatcher, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Hatcher operated Rock & Country Veterinary Services without a premise permit from June 2000 to October 2004. Dr. Hatcher was issued an Advisory Censure and assessed total civil penalties in the amount of \$2,550.00. Ms. Grell made a motion, seconded by Dr. Wilhite, to accept the Agreed Order. The motion carried.

Agreed Order – Vickie S. Mellon, D.V.M.

Dr. Vickie Mellon, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Mellon operated White Pine Veterinary Practice without a premise permit from November 2003 to May 2004. Dr. Mellon was issued an Advisory Censure and assessed total civil penalties in the amount of \$300.00. Dr. Edmonds made a motion, seconded by Dr. Wilhite, to accept the Agreed Order. The motion carried.

Agreed Order – Kyle W. Sanders, D.V.M.

Dr. Kyle Sanders, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Sanders operated Millington Animal Hospital without a premise permit from July 2000 to September 2004. Dr. Sanders was issued an Advisory Censure and assessed total civil penalties in the amount of \$2,500.00. Dr. Wilhite made a motion, seconded by Dr. Thompson, to accept the Agreed Order. The motion carried.

Agreed Order – Jimmy L. Stanford, D.V.M.

Dr. Jimmy Stanford, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Stanford operated Standifer Gap Pet Hospital without a premise permit from May 2001 to

May 2004. Dr. Stanford was issued an Advisory Censure. Dr. Edmonds made a motion, seconded by Dr. Wilhite, to accept the Agreed Order. The motion carried.

Agreed Order – Benny J. Woody, D.V.M.

Dr. Benny Woody, DVM, was not present and was not represented by counsel. Ms. Nicole Armstrong, Assistant General Counsel, represented the State. Pursuant to a settlement agreement reached previously by the Board's screening panel, Ms. Armstrong presented an Agreed Order to the Board for ratification. Dr. Welch recused herself. Dr. Woody operated The Animal Health Center of Franklin without a premise permit from July 2000 to October 2004. Dr. Woody was issued a Letter of Reprimand and assessed total civil penalties in the amount of \$2,550.00. Dr. Edmonds made a motion, seconded by Dr. Wilhite, to accept the Agreed Order. The motion carried.

American Association of Veterinary State Boards (AAVSB) Conference

Ms. Grell attended the conference in September, 2004. She stated that she found the meetings to be very informative and interesting. Ms. Grell distributed a draft of a collaborative practice model for animal chiropractic/animal physical therapy. She informed the board that presentations and a summary of the meeting are available on the website at www.aavsb.org.

Rules Status Report

Mr. Jerry Kosten, Regulations Manager, reported that a rulemaking hearing was held on November 23, 2004 regarding temporary licensure of foreign graduates per Public Chapter No. 522; facility inspection requirements; and to make general housekeeping amendments. No comments were received at the rulemaking hearing. After review, a motion was made by Dr. Welch, seconded by Dr. Wilhite, to ratify the proposed rule change. The motion carried.

Mr. Kosten reviewed the rule changes becoming effective January 1, 2005 regarding the practice of veterinary medicine from unrecognized veterinary facilities.

Investigations and Disciplinary Report

Ms. Lea Phelps, Disciplinary Coordinator, reviewed the reports with the Board. There are currently thirty-one (31) open complaints in the Office of Investigations. An analysis of newly filed complaints categorized by allegation and month received and by geographical area and month received was included. The disciplinary report indicated that eleven (11) licensees are currently being monitored for compliance with Board orders. A report of all disciplinary action taken by the Board was also included. The board asked if civil penalty payments were applied to the veterinary board or if money collected was put into the general fund. The board also requested a report of the total civil penalties assessed and the total amount of civil penalties received.

Office of General Counsel (OGC) Report

Ms. Nicole Armstrong, Advisory Attorney, informed the Board there is currently one set of rules under review at the Office of the Attorney General. New rules became effective

December 7, 2004 regarding Orders of Compliance and Modification and personal appearances by disciplined licensees. Rules regarding house calls and transitory clinics will become effective January 1, 2005. The Office of General Counsel currently has thirty-three (33) open files pertaining to the Tennessee Board of Veterinary Medical Examiners. Of that number, thirty-one (31) files pertain to veterinarians and two (2) pertain to veterinary medical technicians.

Inspection Report

Ms. Lisa Lampley presented and reviewed the inspection report. A total of one hundred twenty-one (121) inspections were conducted during the period of August, 2004 – November, 2004.

Director's Report

Ms. Lampley welcomed Dr. C. Maben Thompson, DVM, to the board. Notification has been received that a new consumer member has been appointed, however, no contact information has been received. Board staff will be administering the Veterinary Technician Licensing Exam (VTNE) on January 21, 2005. The Tennessee Veterinary Medical Association (TVMA) has invited the board to the 2005 Music City Veterinary Conference to be held February 18-20, 2005 at the Franklin Marriott Cool Springs. Any attending board members are invited to sit at the booth/table. The board requested information on statutes regarding veterinarian-client confidentiality.

Financial Report

A copy of the last financial report was available for review. Ms. Lisa Tittle, Fiscal Director, was unable to attend the meeting. An updated financial report will be mailed as soon as it is available.

Continuing Education Course Approval

The following requests for approval of continuing education hours were received:

A request from **Merial, Ltd.** for approval of two (2) continuing education hours for a seminar entitled "Vaccines and Vaccinations: The Road Ahead!" to be held September 15, 2004.

A request from **Pfizer Animal Health** for approval of two (2) continuing hours for a seminar entitled "Equine Sedation and Practice Management" to be held on November 4, 2004.

A request from **Melissa Jarrett** for approval of a Certified Euthanasia Training course to be held in College Station, TX on December 4-5, 2004 and December 11-12, 2004.

A motion to approve all courses was made by Dr. Wilhite and seconded by Dr. Davis. The motion carried.

File Review

The Board reviewed an application for certification as a certified animal euthanasia technician submitted by **Adam Chandler Shonting**. Mr. Shonting answered "yes" to conviction of a

felony or misdemeanor other than a minor traffic offense. After review and discussion, a motion to request Mr. Shonting to appear before the Board was made and seconded. The motion carried.

File Review/Ratification

Upon review, the Board moved to ratify all newly licensed/certified or reinstated veterinarians, veterinary medical technicians, veterinary facilities, certified animal euthanasia technicians, and certified animal control agencies.

Presentation by Dean Michael Blackwell, DVM, UT College of Veterinary Medicine

At the Board's request, Dean Blackwell accepted an invitation to appear before the Board and discuss concerns regarding the decrease in the number of large animal practitioners across the state of Tennessee. Several large animal practitioners and legislators were in attendance. Dean Blackwell discussed the Veterinary Medical Services Act designed to provide incentives for veterinarians to serve in underserved areas and the fact that no money has been appropriated for this bill. He also discussed the factors influencing the veterinary student's choice of practice and the criteria the University of Tennessee now utilizes to accept students into the veterinary college. The Board thanked Dean Blackwell for his presentation and input and requested his assistance in the future in addressing these issues. The Board requested that a letter be drafted in support of funding for the Veterinary Medical Services Act and that the letter be sent to state and federal legislators.

Correspondence

The Board reviewed all correspondence and requested that appropriate notification be given of any action taken or any comments made.

Adjournment

There being no further business to discuss, Dr. Welch made a motion, seconded by Dr. Wilhite, to adjourn. The motion carried and the meeting was adjourned at 4:55 p.m.

Maryann Grell, L.V.M.T., Secretary

Date

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